

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

Case No.: 6:19-bk-01123-CCJ

In Re:
JAMES K. FATKIN
EUGENIA A. CLEMENTS,

Debtor(s).

TRUSTEE'S MOTION TO DISMISS FOR DEBTORS'
FAILURE TO ATTEND THE 341 MEETING OF CREDITORS
AND TO IMPOSE A TWO YEAR BAR AGAINST REILING
ACROSS THE UNITED STATES

Notice of Opportunity to Object and for Hearing

Pursuant to Local Rule 2002-4, the Court will consider the relief requested in this paper without further notice or hearing unless a party in interest files a response within twenty – one (21) days from the date set forth on the attached proof of service, plus an additional three (3) days for service if any party was served by U.S. Mail.

If you object to the relief requested in this paper, you must file a response with the Clerk of the Bankruptcy Court, George C. Young Federal Courthouse, 400 West Washington Street, Suite 5100, Orlando, Florida 32801 and serve a copy on Laurie K. Weatherford, Trustee, P.O. Box 3450, Winter Park, FL 32790 and any other appropriate persons within the time allowed.

If you file a response within the time permitted, the Court will either schedule and notify you of a hearing, or consider the response and grant or deny the relief requested without a hearing. If you do not file a response within the time permitted, the Court will consider that you do not oppose the relief requested in the paper, will proceed to consider the paper without further notice or hearing and may grant the relief requested.

COMES NOW, the Trustee, Laurie K. Weatherford, and files this Motion to Dismiss for Debtor's failure to attend the 341 meeting of creditors, and states the following.

1. This case was filed on February 22, 2019.
2. The 341 meeting of creditors was scheduled to be held on March 28, 2019 for which the debtors failed to appear.
3. The 341 meeting of creditors was rescheduled to April 11, 2019.

4. At the rescheduled meeting the attorney for the debtors requested that Interrogatories be sent in lieu of personal appearance.
5. On April 12, 2019 the Trustee's office sent Interrogatories to the debtors and the Debtors were directed to return the signed and notarized Interrogatories to the Trustee on or before May 13, 2019.
6. The Trustee has not received the Interrogatories despite repeated requests by the Trustee's office.
7. At a hearing held on April 2, 2019 on the Debtors' Motion to Extend the Automatic Stay the judge stated that if this case was dismissed for any reason there would be a two (2) year bar against filing another case across the United States (see Order Document No. 22).

WHEREFORE, the Trustee, Laurie K. Weatherford, requests that the Court dismiss this case for Debtors failure to attend a 341 Meeting of Creditors and issue a two (2) year bar against filing another case across the United States, and for such other and further relief as this Court deems just and proper.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have forwarded a true and correct copy of the foregoing via United States Regular Mail or by electronic transfer on July 8, 2019 to:

Linda Drew Kingston
515 N. Park Avenue, Ste. 202
Apopka, FL 32712

James K. Fatkin and Eugenia Clements
206 Larkspur Court
Kissimmee, FL 34723-5327

LAURIE K. WEATHERFORD
Chapter 13 Standing Trustee

BY: /s/ Laurie K. Weatherford
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